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Agenda item 123

PROGRAMME BUDGET FOR THE BIENNIUM 1994-1995

Conditions of service and compensation for officials other than Secretariat officials

Members of the International Court of Justice

Report of the Fifth Committee

Rapporteur: Mr. Mahbub KABIR (Bangladesh)

I. INTRODUCTION

1. The Fifth Committee considered the item at its 64th and 65th meetings, on 4 and 9 May 1994, respectively. Observations and comments made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/48/SR.64 and 65).

2. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General (A/C.5/48/66);

(b) Report of the Advisory Committee on Administrative and Budgetary Questions (A/48/7/Add.6).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.5/48/L.64/Rev.1

3. At the 65th meeting, on 9 May 1994, the representative of Portugal, in her capacity as Vice-Chairman, introduced a draft resolution entitled "Emoluments, pension scheme and conditions of service for the members of the International Court of Justice" (A/C.5/48/L.64/Rev.1), which had been submitted on the basis of informal consultations.

4. At the same meeting, the Committee adopted draft resolution A/C.5/48/L.64/Rev.1 without a vote (see para. 5).

III. RECOMMENDATION OF THE FIFTH COMMITTEE

5. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Emoluments, pension scheme and conditions of service for the members of the International Court of Justice

A

Emoluments

The General Assembly,

Recalling section A of its resolution 45/250 of 21 December 1990 on the emoluments of the members of the International Court of Justice,

Having considered the report of the Secretary-General 1/ and the related report of the Advisory Committee on Administrative and Budgetary Questions, 2/

1. Endorses the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions subject to the provisions of the present resolution;

2. Decides that, with effect from 1 January 1994, the annual salary of the members of the International Court of Justice shall remain at 145,000 United States dollars;

3. Decides also that, with effect from 1 January 1994, the ad hoc judges referred to in Article 31 of the Statute of the International Court of Justice shall continue to receive for each day they exercise their functions one three-hundred-and-sixty-fifth of the annual salary payable at the time to a member of the Court;

4. Decides further to continue, with effect from 1 January 1994, the system of floor/ceiling measures introduced pursuant to section VI of General Assembly resolution 43/217 of 21 December 1980 and resolution 45/250, in accordance with the recommendations contained in paragraph 5 of the report of the Advisory Committee; 2/

1/ A/C.5/48/66.

2/ A/48/7/Add.6.

5. Decides that, with effect from 1 January 1994, the President's special allowance shall remain at 15,000 dollars per year and that the special daily allowance paid to the Vice-President when acting as President shall be 94 dollars per day, up to a maximum of 9,400 dollars per year;

6. Decides also that the emoluments and other conditions of service for the members of the International Court of Justice shall next be reviewed at its fiftieth session in the light of the recommendations contained in the report of the Secretary-General;

7. Decides further that the periodicity of review shall be determined at the fiftieth session.

B

Pension scheme

The General Assembly,

Recalling its resolutions 1562 (XV) of 18 December 1960, 1925 (XVIII) of 11 December 1963, 2367 (XXII) of 19 December 1967, 2890 A (XXVI) of 22 December 1971, 3193 A (XXVIII) of 18 December 1973, 3537 A (XXX) of 17 December 1975, 38/239 of 20 December 1983, 40/257 B of 18 December 1985 and 45/250 of 21 December 1990, on the pension scheme for the members of the International Court of Justice,

Having considered the report of the Secretary-General 1/ and the related report of the Advisory Committee on Administrative and Budgetary Questions, 2/

1. Invites the Secretary-General to undertake a study of the pension scheme of the members of the International Court of Justice and to report thereon to the General Assembly at its forty-ninth session;

2. Requests the Secretary-General to redraft the Pension Scheme Regulations for members of the International Court of Justice reflecting the decisions taken by the General Assembly in its resolution 45/250, so as to reflect gender neutrality.

C

Conditions of service

The General Assembly,

Recalling section XIV of its resolutions 37/237 of 21 December 1982, section XVII of its resolution 38/234 of 20 December 1983, section V of its resolution 39/236 of 18 December 1984 on conditions of service and compensation for officials other than Secretariat officials, as well as its resolutions 40/257 C of 18 December 1985, 43/226 of 21 December 1988, 45/250 C of 21 December 1990 and section IV of its resolution 47/216 of 23 December 1992,

Having considered the report of the Secretary-General 1/ and the related report of the Advisory Committee on Administrative and Budgetary Questions, 2/

1. Decides that, with effect from 1 January 1994, the President and the members of the International Court of Justice who have taken up residence at The Hague shall be reimbursed, up to a ceiling of 9,750 United States dollars, for the actual cost of educating their children in respect of each child each year up to the award of the first recognized degree and that provision shall be made for one related return journey per year in respect of each child from the place of scholastic attendance, when outside the Netherlands, to The Hague;

2. Also decides that, with effect from 1 January 1994, the President and the members of the International Court of Justice who have taken up residence at The Hague shall be reimbursed, up to a ceiling of 13,000 dollars, for the actual cost of educating their disabled children in respect of each child each year up to the award of the first recognized degree and that provision shall be made for one related return journey per year in respect of each child from the place of scholastic attendance, when outside the Netherlands, to The Hague.